

In re Patent Application of: ROY
Serial No. 10/789,452
Filing Date: February 27, 2004
Attorney Docket No. 11779-US-PAT (80239)

REMARKS

Claims 1-6, 8-16, 18-28, 30-41, 43-47 and 49-51 remain in this application. Claims 7, 17, 23, 29, 42, 48 and 52 have been previously cancelled. Claims 1, 11, 21, 35, 49, 50 and 51 have been amended. Claims 8, 18, 30, and 43 have been previously presented.

Applicant thanks the Examiner for the detailed study of the application and prior art.

Applicant thanks the Examiner for removing the previous rejection based upon U.S. Patent No. 7,139,917 to Jablon such that the Examiner agrees that the scope of the subject matter of the claims as presented is patentable over U.S. Patent No. 7,213,065 to Watt in view of Jablon.

In this Final Rejection, the Examiner states that the claims are directed to non-statutory subject matter because claims 1-6, 8-16, 18-20 and 49-51 are drawn to a system and the use of the word system does not inherently mean that the claim is directed to a machine. According to the Examiner, only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101.

As to the method claims 21-28, 30-41 and 43-47, the Examiner states that the claims recite a series of steps or acts to be performed and a statutory "process" must be (1) tied to a

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particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing.

In each of the independent claims, the mobile office platform server is now recited. As shown in FIG. 1, the database for storing problem magnitudes is part of the mobile office platform server as well as the intelligent routing engine. Thus, the method is tied to a specific machine and the system as claimed is directed to patentable subject matter because at least one of the claimed elements of the system, i.e., the mobile office platform server, is a physical part of a device or combination of devices. The database is also added to the method claims.

Applicant also submits a Request for Continued Examination (RCE) to have this After Final Amendment considered and a Notice of Allowance issued.

Also, Applicant brings to the Examiner's attention the August 2009 "Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 USC §101" as currently issued by the U.S. Patent and Trademark Office. As noted, a machine is a concrete thing, consisting of parts, or certain devices in combination or devices. This includes every mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result. We note the broad language of the definition of machine to include every mechanical device or combination of mechanical powers and devices

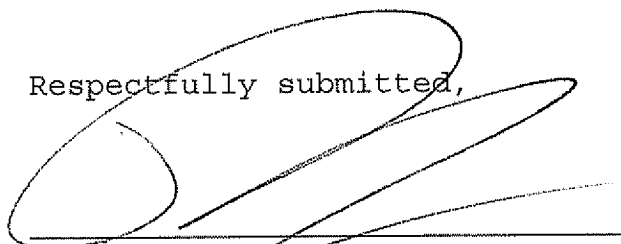
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to perform some function and produce a certain effect or result.
This could be any type of system.

Accordingly, Applicant contends that the present case
is in condition for allowance and respectfully requests that the
Examiner issue a Notice of Allowance and Issue Fee Due.

If the Examiner has any questions or suggestions for
placing this case in condition for allowance, the undersigned
attorney would appreciate a telephone call.

Respectfully submitted,



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